

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 1 no longer recites that the powder storing body is "bag-like." New Claim 10 corresponds to Claim 2 except that it recites a powder passage of the outlet member having an opening area larger than an opening area of the outlet of the body member. New Claim 11 corresponds to Claim 5 except that it depends from Claim 10. New Claim 12 is directed to the embodiment of Figs. 12-14.

According to a feature of the invention, a powder container is formed of a powder storing body having a base member affixed to the opening thereof. An outlet member has a shutter function for selectively blocking and unblocking a powder delivery passage of the outlet member. In accordance with a feature of the invention, the outlet member is selectively connectable to the base member. For example, referring to the non-limiting embodiment of Figures 9-11, the outlet member 43 is selectively connectable to the base member 30. In the embodiment of Figures 12-14, the two part outlet member 45-46 is selectively connectable to the base member 32. In either case, the provision of the outlet member being selectively connectable to the base member provides the advantage that toner can be easily introduced into the powder storing body, after which the outlet member will hermetically close the powder storing body (page 23, lines 11-19).

Claim 1 recites that the outlet member is "selectively connectable" to the base member. Claims 1-7 were rejected under 35 U.S.C. § 103 as being obvious over U.S. patent 6,311,745 (Welch et al.) in view of U.S. patent publication 2001/0017998 (Terazawa et al.). However, Applicants respectfully submit that the claims define over any combination of the above references.

Welch discloses a system for filling toner bags 18 from a toner hopper 12. The toner hopper 12 has a top opening 30 so that the hopper can be filled from the top. A tapered lower

section 24 terminates in a portion 62 which is attached to the lower portion 24 (column 5, lines 55-56). Another portion 64 is attached to the toner bag 18 (column 5, lines 57-58), and the portions 62 and 64 can cooperate to form a shutter or valve 60.

The Examiner has alleged that Welch discloses all of the elements of Claim 1 (Terazawa et al. was cited to teach the flexible bag shape and material of the dependent Claims 4-7). The Examiner considered the portion 64 of Welch et al. to be the outlet member of Claim 1, and therefore to be connected to or disconnected from, i.e., selectively connectable to, the base member. However, Applicants note that the second portion 64 is in fact a part of the receiving container 18 and not the dispensing container 12 (column 5, lines 57-59). Accordingly, the “outlet” of the body member of the powder container is the first portion 62. Since the first portion 62 is no selectively connectable to the remainder of the powder container, no “outlet member” according to Claim 1 is present in Welch et al.

Claim 5 depends from Claim 1 and further recites that the powder storing body is formed of a flexible material. In this regard, the Examiner has alleged that Terazawa et al. would have rendered it obvious for those skilled in the art to have formed the dispensing container 12 of Welch et al. from a flexible material. However, Applicants respectfully submit that this would not have been obvious. The flexible toner bag 2 of Terazawa et al. is analogous to the flexible receiving container 18 of Welch et al. Both are flexible bags which are filled with toner via their mouths. In contrast, the dispensing container 12 of Welch et al. is a hopper which is used to fill a flexible toner storage bag 18, and which is itself filled via its top opening 30 and not at its mouth. Thus, the dispensing container 12 of Welch et al. is not analogous to the toner storage bag 2 of Terazawa et al. and so those skilled in the art would not have found it obvious from Terazawa et al. to also form the dispensing container 12 of Welch et al. from a flexible material.

New Claim 10 recites that the opening area of the powder passage in the outlet member has an opening area larger than that of the outlet of the powder container. For example, the bore 33 of the mouth member 30 is tapered. On the other hand, the second portion 64 of Welch et al., which the Examiner considers to be the outlet member, provides a powder passage of a constant diameter -- the opening area thereof is not larger than the opening area of the powder container outlet.

New Claim 12 depends from Claim 10 and further recites that the outlet member comprises a first part selectively connectable to the base member and a second part fittable in the first part and including the shutter function. For example, referring to the non-limiting embodiment of Figures 12-14, the first part may be the lower part 46 and the second part may be the inner part 45. This has the advantage that the shutter may be inserted into the inner part 45 prior to packing the container with toner (see paragraph bridging pages 23-24). There is no teaching or suggestion for this feature in any combination of Welch et al. and Terazawa et al.

Claim 8 also recites the base member and outlet member, and further recites that this comprises part of a toner cartridge. Claim 8 was rejected under 35 U.S.C. § 103 as being obvious over Welch et al. (the mention of "Merle" in the Office Action was evidently a typographical error) in view of Terazawa et al., and further in view of U.S. patent 5,594,535 (Beaufort et al.). It was the Examiner's position that Beaufort would have rendered it obvious to have made "the powdered toner dispensing system taught by Welch" to be part of a toner cartridge. However, to the extent that it would have been obvious for those skilled in the art to have formed a part of the structure of Welch et al. as a toner cartridge, those skilled in the art would have incorporated the flexible receiving bag 18 of Welch et al. into the toner cartridge, not the hopper 12 by which the flexible bag is filled. However, the flexible bag 18 of Welch et al. lacks an outlet member and selectively connectable base member.

Claim 9 is similar to Claim 8 but recites a refillable toner cartridge. Again, however, the prior art would not have taught or suggested an outlet member and a selectively connectable base member as set forth above. The claims therefore define over any combination of the above references.

Referring to paragraph 1 of the Office Action, the specification has been amended to refer to reference parts 20Y, 20M, 20C and 20BK. The specification has also been amended to correct the informalities noted therein.

Referring to paragraph 2 of the Office Action, it is noted that Claims 8 and 9 are original claims and so provide support for the recitations thereof. It is also noted that Figure 2 of the specification illustrates the toner container as a toner cartridge.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Robert T. Pous
Registration No. 29,099

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

GJM:RTP\la
I:\ATTY\RTP\242958US-AM.DOC